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August 7, 2025

VIA ECF AND EMAIL

Honorable Analisa Torres, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007
torres_nysdchambers@nysd.uscourts.gov

Re: *Ashour, et al. v. Arizona Beverages USA LLC & Beverage Marketing USA, Inc.*
Joint Letter on Status of Mediation
Case No.: 1:19-cv-07081-AT-OTW

Dear Judge Torres:

Pursuant to ECF No. 353, Plaintiffs Ahmed Ashour and Crystal Townes, individually and on behalf of all others similarly situated (“Plaintiffs”), and Defendants, Arizona Beverages USA LLC, Hornell Brewing Co., Inc., Beverage Marketing USA, Inc., Arizona Beverages Holdings LLC, and Arizona Beverages Holdings 2 LLC (“Defendants,” collectively, “Parties”), jointly and respectfully inform the Court that mediation was unsuccessful.

Plaintiffs intend to proceed with a motion for class certification. By August 18, the Parties will submit the proposed schedule(s) for the Court’s consideration.

Plaintiffs also informed Defendants they intend to seek to reopen discovery for the limited purpose of updating discovery prior to class certification experts and briefing. Accordingly, following the submission of the joint proposal on August 18, 2025, Plaintiffs request the Court schedule a status conference to discuss scheduling and discovery.

Defendants object to and will oppose Plaintiffs’ motion to reopen fact discovery. Defendants respectfully request that the matter proceed with a schedule to complete expert discovery.

Thank you for Your Honor’s attention to this matter.

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Respectfully submitted,

PEARSON WARSHAW, LLP

STEVENS & LEE

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